



**INTELLECTUAL
PROPERTY INDIA**
एकस्व/PATENTS|अभिकल्प/DESIGNS|
व्यापार चिह्न/TRADE MARKS|भौगोलिक
उपदर्शन/GEOGRAPHICAL INDICATIONS



सत्यमेव जयते

भारत सरकार
GOVERNMENT OF INDIA

एकस्व कार्यालय /THE PATENT OFFICE
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सं.संख्या/Ref.No /आवेदन संख्या/Application No/ 3829/DELNP/2012

दिनांक/Date of Dispatch/Email: 26/02/2018

सेवा में,/To

K & S Partners, Intellectual Property Attorneys, 4121/B, 6th Cross, 19A Main, HAL II Stage (Extension),
Bangalore - 560038, Karnataka Email :
bangalore@knspartners.com, email@anandandanand.com, anandandanand@vsnl.com

विषय: एकस्व अधिनियम, 1970 की धारा 12 व 13 तथा एकस्व नियम, 2003 के अधीन परीक्षण रिपोर्ट

Subject: Examination report under sections 12 & 13 of the Patents Act, 1970 and the Patents Rules, 2003.

1. उपर्युक्त आवेदन के संदर्भ में परीक्षण रिपोर्ट (अर्थात्, एकस्व नियम, 2003 (यथा संशोधित) के नियम 24-ख(3) में विनिर्दिष्ट आपत्तियों का प्रथम कथन) इसके साथ संलग्न है। यह रिपोर्ट परीक्षण हेतु अनुरोध दिनांक 01/05/2012 के उत्तर में जारी की गयी है। परीक्षण रिपोर्ट का उत्तर दाखिल करने की अंतिम तिथि (अर्थात्, इस रिपोर्ट में लगाई गयी सभी आवश्यकताओं के अनुपालन की अवधि) आवेदक को आपत्तियों का प्रथम कथन जारी होने की तिथि से छः माह है।

Please find enclosed herewith an Examination Report (i.e. a first statement of objections as specified in Rule 24-B(3) of The Patents Rules, 2003 (as amended)) in respect of above-mentioned application. This report is issued with reference to a request for examination dated 01/05/2012. The last date for filing a response to the Examination Report (i.e. a period to comply with all the requirements raised in this examination report) is six months from the date on which the first statement of objections is issued to the Applicant.

2. यदि रिपोर्ट के अंतर्गत लगाई गयी आवश्यकताओं का अनुपालन एकस्व नियम, 2003 (यथा संशोधित) के नियम 24 ख(5) में विनिर्दिष्ट अवधि के भीतर अंदर अनुपालन नहीं किया गया तो एकस्व अधिनियम 1970 की धारा 21(1) के अधीन वर्तमान आवेदन को परित्यक्त माना जाएगा।
The instant application shall be deemed to have been abandoned under Section 21(1) of The Patents Act, 1970, unless all the requirements raised in this report are complied with in the period as specified in Rule 24-B (5) of The Patents Rules, 2003 (as amended).
3. आपका ध्यान एकस्व नियम, 2003 के नियम 24 ख(6) के प्रावधानों की ओर भी आमंत्रित किया जाता है।
Your attention is also invited to the provisions of Rule 24-B (6) of the Patents Rules 2003.
4. आपको सलाह दी जाती है कि शीघ्र निपटान हेतु अपना उत्तर शीघ्र प्रस्तुत करें।
You are advised to file the reply at the earliest for early disposal.

VINOD PRAKASH VASAVA
नियंत्रक पेटेंट/ Controller of Patents

संलग्न/Enclosed: अपरोक्त अनुसार/As above

टिप्पणी: यह इलेक्ट्रॉनिक रूप से उत्पन्न रिपोर्ट है।

NOTE: This is an electronically generated report.

सभी पत्राचार नियंत्रक एकस्व को उपरोक्त पते पर भेजा जाये।

All communications should be sent to the Controller of Patents at the above mentioned address.

Examination Report

Application Number	3829/DELNP/2012
Date of filing	01/05/2012
Date of priority	23/12/2009
PCT International Application No. & Date	-- 16/12/2010
Applicant	COLGATE-PALMOLIVE COMPANY
Request for Examination no. & date	3677/RQ-DEL/2012 01/05/2012
Date of Publication	31/08/2016

This examination report consists of four parts, namely summary of the report, detailed technical report, formal requirements and documents on record.

PART-I: SUMMARY OF THE REPORT

Sl. No.	Requirements under the Act		Claim Numbers	Remarks
1.	Invention u/s 2(1)(j)	Novelty	Claims:1-25	Yes
			Claims:	No
		Inventive step	Claims:	Yes
			Claims:1-25	No
		Industrial Applicability	Claims:1-25	Yes
			Claims:	No
2.	Non-patentability u/s 3 (if yes, specify section3(a-p))		Claims:	Yes
			Claims:1-25	No
3.	Non-patentability u/s 4		Claims:	Yes
			Claims:1-25	No
4.	Unity of invention u/s 10 (5)		Claims:	Yes
			Claims:1-25	No
5.	Sufficiency of disclosure u/s 10 (4) (Specify Yes/No)		yes	
6.	Reference to co-pending/foreign application(s) required (Specify Yes/No)		none	
7.	Claims [u/s 10(5) & 10(4) (c)]	Clarity / Conciseness	Claims:	Yes
			Claims:1-25	No
		Definitive	Claims:1,10,18,23	Yes
			Claims:2-9,11-17,19-22,24,25	No
		Supported by description	Claims:1-25	Yes
			Claims:	No
		Scope	Claims:1-25	Yes
			Claims:	No
8.	Other requirement(s):			

PART-II: DETAILED TECHNICAL REPORT

A. List of documents cited:

			Relevant	Relevant claims	
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THE PATENT OFFICE

Sl.no	Details of documents	Priority date	Publication date	description (page and paragraph no.) of cited document	Relevant claims of cited document	Claims of alleged invention
A	Patent literature					
1.	US4826341		02/05/1989	Description column 2, line 33 - column 4, line 14, figures	1-4	1-25
2.	EP1506726		16/02/2005	Description page 5, line 4 - page 9, line 18, figures	1-16	1-25
3.	GB418956		02/11/1934	Description, abstract	all	1-25

Sl.no	Details of documents	Priority date	Publication date	Relevant description (page and paragraph no.) of cited document	Relevant claims of cited document	Claims of alleged invention
B	Non-patent literature					
1.						
2.						
3.						

B. Detailed observations on the requirements under the Act:

NOVELTY:

(i) Claim(s) lack(s) novelty, being anticipated in view of disclosure in the document cited above under reference for the following reasons:

Not Applicable

INVENTIVE STEP:

(ii) Claim(s) 1-25 lack(s) inventive step, being obvious in view of teaching (s) of cited document(s) above under reference for the following reasons:

D1 US4826341 D2 EP1506726 D3 GB418956 Document US4826341 discloses a toothbrush device which comprises a body member having a main chamber disposed therein and a handle slidably disposed thereon, the chamber contains a toothpaste dispenser disposed therein whereby toothpaste disposed in the toothpaste dispenser is dispensed from the toothpaste dispenser by pressing the handle against the toothpaste dispenser after operating an on switch. Thereafter, by operating an off switch, the toothpaste dispenser is closed. Document EP1506726 discloses a toothbrush has a brush body with grip part and toothpaste container with dispenser head and container body, fitted into the part to form a grip. The grip part has an integrally formed shell-like container frame, which partially encloses the container body when the toothpaste container is fitted into it. The grip surface mainly retains its shape when subjected to loads during cleaning of teeth, independent of the container volume, and the toothpaste container, which has been removed from the grip part, is of almost the same shape before and after pressing out toothpaste. Document GB418956 discloses a self-feeding brush, for example a toothbrush, is provided with a collapsible tube of paste, partly surrounded by a shield forming a handle. The end wall of the shield is apertured to receive the threaded end of the tube which clamps the shield to the brush. Features of claims 1-25 lack in inventive step as being obvious over the documents D1, D2 and D3 and lack in Inventive step u/s 2(1)(ja) of the Patents Act.

INDUSTRIAL APPLICABILITY:

(iii) Claim(s) lack(s) industrial applicability for the following reasons:

Not Applicable

NON PATENTABILITY:

(iv) Claim(s) are statutorily non-patentable under the provision of clause (l) of Section 3 for the following reasons:

Not Applicable

(v) Claim(s) are not allowable under section 4 of the Patents Act, 1970. Not Applicable

UNITY OF INVENTION:

(vi) Claim(s) 1-25 lack(s) unity of invention as the claims do not relate to a single invention or to a group of inventions linked so as to form a single inventive concept:

1. Independent claim preferably should be made dependent on preceding claim 1 and/or its dependent claims to avoid possible objection of plurality of distinct invention. 2. Drafting of claims is not proper because of which the nature & scope of the alleged invention can not be clearly ascertained. The statement of claims should therefore be revised & all essential features of the invention should be brought in claim 1. 3. Nature & scope of invention cannot be ascertained in view of a no. of independent set of claims. Claims should therefore be revised to indicate the broad feature in main claim and dependent features in subordinate claims.

(vii) Claim(s) of the instant application conflict(s) with claim(s) of co-pending application no.

SUFFICIENCY OF DISCLOSURE:

(viii) Claim(s) yes are not fairly based on the matter disclosed in the specification or not supported by the disclosure in the specification for the following reasons:

Not Applicable

(ix) The complete specification does not fully and particularly describe the invention and its operation and the method by which it is to be performed in respect of:

Not Applicable

(x) The specification does not disclose the best method of performing the invention which is known to the applicant and for which he is entitled to claim protection for the following reasons:

Not Applicable

(xi) Abstract:

Abstract should be filed in accordance with the instructions contained in the Rule 13{7(a)} of the Patent Rules, 2003(as amended in 2006). Reference numerals wherever necessary in abstract may be given.

(xii) Title of Invention:

Not Applicable

(xiii) Drawings are not prepared in accordance with the provisions of Rule 15 of the Patents Rules, 2003 for the following reasons:

Not Applicable

(xiv) Information of source and geographical origin of biological material used in the invention:

Not Applicable

(xv) Details of depositing the biological material to an International Depository Authority under the Budapest Treaty:

Not Applicable

SCOPE:

(xvi) Claim(s) does/do not define the scope of invention for which the protection is claimed for the following

reasons:

Not Applicable

CLARITY AND CONCISENESS:

(xvii) Claim(s) 1-25 are not clearly worded in respect of:

1.The Principal claim should elaborate all the Novel/ inventive features of the invention after the phrase "characterized in that". 2.The preamble of the claims consists the phrase "according to anyone of claims 1 to 8/ 10 to 16" which makes the claims indefinite as the dependency of the claims is not definitive and it makes the reader confused regarding the dependency of the claims. Proper dependency of the dependent claims should be mentioned in the dependent claims and accordingly the claims should be redrafted.

DEFINITIVENESS:

(xviii) Claim(s) 2-9,11-17,19-22,24,25 do not sufficiently define the invention for the reasons as follows:

1.The word "according to" in the claims 2-9,11-17,19-22,24,25 is not Clear and definitive, it requires amendment by replacing word "as claimed in claim". 2.The word "further" in the claims 16,21,22,24,25 is not clear and definitive, it requires amendment by making it clear or by deleting word "further". Amendments in claims are required as indicated in claims.

OTHERS REQUIREMENTS:

(xix) Not Applicable

PART-III: FORMAL REQUIREMENTS

Objections	Remarks
Other Deficiencies	1.Claims should be prefaced by "We claim". 2.Form 1 should be filed in prescribed format. 3.Renumbering of pages should be done in complete description. 4.Blank space should be scored out in complete specification. 5.Reference numerals should be inserted in the parentheses of features of claims for intelligibility of claims.
Date and Signature of Applicant	Name should be given at the end of claims with signature of agent and date.
Statement & Under Taking (Form 3 Details)	Details regarding application for Patents which may be filed outside India from time to time for the same or substantially the same invention should be furnished within Six months from the date of filing of the said application under clause (b) of sub section(1) of section 8 and rule 12(1) of Indian Patent Act.
Translation of Pr.Document (Certified Copy etc.)	A copy of the priority document and its verified English translation should be submitted u/s 138 of the Act.

PART-IV: DOCUMENTS ON RECORD

The examination report has been prepared based on the following documents:

Docket Date	Docket Number	Entry Number Description
01 May 2012	3972	28(i)-Request For Examination After 18 months Publication - Form 18
01 May 2012	3972	1-New Application For Patent With Provisional /Complete Specification
02 Nov 2012	11116	OTHERS(NON CASH)
02 Nov 2012	11116	OTHERS(NON CASH)
19 Sep 2017	58935	18(iii)-Changing Name/Address/Nationality/Address For Service - Form 13
19 Sep 2017	58935	45-Form Of Authorisation Of Patent Agent - Form 26

Name of the Controller: [\[VINOD PRAKASH VASAVA\]](#)

Controller Location: [Delhi](#)

Note: Last date for filing response to the Examination Report: 26/08/2018